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10/632,803

08/04/2003

John H. Wurster

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12/16/2004

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/632,803 | WURSTER, JOHN | |
| | Examiner | Art Unit | |
| | Rasha S AL-Aubaidi | 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al (US PAT # 6,310,946) in view of Burg.

Regarding claims 1, 5, 7-8 and 20, Bauer teaches a method of controlling a telecommunications network (see abstract) comprising the steps of: recognizing a condition (reads on alerting the subscriber that the line is busy, see col. 1, lines 65-67); initiating a call including a special calling party number (this reads on the subscriber entering an interrupt code, see col. 2, lines 1-2); detecting an AIN trigger when said call reaches a point in the telecommunications network (this reads on receiving the signal to indicated the arrival of incoming call, see col. 2, lines 8-11).

Bauer teaches providing an announcement to the calling party line to inform him/her of the arrival of an incoming call (see col. 2, lines 10-13). Bauer does not exactly teach transmitting a query message including said special

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calling party number; receiving said query message including said special calling party number; and storing an indicator of said condition in response to receiving said special calling party number.

However, Burg teaches that gateway 156 (Fig. 1) will transmit a digital data message to the called party computer upon the arrival of an incoming call (see col. 5, lines 4-8). Regarding “storing an indicator of said condition in response to receiving said special calling party number”, Burg teaches pop-up window 300 (Fig. 3A) provides the option to the called party to respond (see col. 7, lines 40-50). Having the calling party name and number within the contents of the message is obvious and well known in the art.

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of sending a text message to the called, as taught by Burg, into the Bauer system in order to inform the called party, who is already engaged in a data session, about the incoming call from a specific calling party. Displaying the name of the calling party and the special number will help the called party to be more efficient on how to handle the call. For example, this call may be made from a parent who needs to contact a child in the case of an emergency or vice versa.

Claims 2 and 4 are rejected for the same reasons as discussed above with respect to claim 1. Also the limitation of “updating said indicator of said

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condition in response to receiving said other special calling party number” simply reads on receiving another call from another calling party and repeating the method of claim 1.

Regarding claim 3, Bauer teaches said special party numbers are different (see col. 3, lines 47-61 and col. 4, lines 55-64).

Claim 6 recites “said step of detecting an AIN trigger is performed at a terminating switch serving a subscriber telephone line”. This is obvious since once the trigger detects the arrival of the incoming call, it will terminate the switch serving the subscriber telephone line.

Regarding claim 9, Burg does not exactly teach transmitting a disconnect request. However, it teaches that a message will be sent from the calling party to the called party and this message can have any kind of contents and formatted in several ways (see col. 5, lines 4-16). This limitation basically reads on the calling party sending a request to the called party requesting him/her to disconnect from the on line session in order to contact him/her.

3. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (US PAT # 6,078,581) in view of Bauer.

Regarding claims 10 and 18, Shtivelman teaches a telecommunications system comprising: a switched telephone network including a plurality of local switches points 151 (i) interconnected by a plurality of trunks for carrying customer traffic and (ii) connected to a client premises 110 for communicating control messages; a database in T-server 142 storing call processing records associated with respective subscribers of said switched telephone network; an application server (T-server 142) responsive to said call processing records and configured to detect establishment of a connection to a remote data network (the Internet) on said switched telephone network by one of said subscribers.

Shtivelman does not teach the use of "SSPs" and a "private operation data network". However, applying the teachings of Shtivelman in an advanced intelligent network (AIN) comprising SSPs would have been obvious because it simply represent the use of Shtivelman in a different environment (AIN). Furthermore, client premises 101 may be a LAN or even a home network. Shtivelman does not also teach the use of "subscriber special calling party number".

However, Bauer teaches initiating a call including a special calling party number (this reads on the subscriber entering an interrupt code such as *7*, see col. 3, lines 39-61 and col. 2, lines 1-2).

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a special calling party number, as taught by Bauer, into the Shtivelman system in order to detect the arrival of an incoming call from a calling part in an AIN by having the calling party entering a special number that will be recognized from the called party in order to breakthrough the data connection at any time. Other advantages are already discussed in the above rejection.

Claim 11 recite "the telecommunications system said private operations data network is configured to transmit said special calling party number to said database and said database is configured to set a service status flag in response to said special calling party number". The claimed limitation "indicate a call to said subscriber using a special calling part number" simply reads on CTI-server 142 setting up the manner in which incoming calls are to be handled by local switch 151(see Shtivelman, col.8, lines 55-65 and col. 6, lines 44-50). Claim 11 limitations basically read on Bauer recognizing a condition (reads on alerting the subscriber that the line is busy, see col. 1, lines 65-67) and initiating a call including a special calling party number (this reads on the subscriber entering an interrupt code, see col. 2, lines 1-2).

Regarding claims 12-14 limitations, see col. 1, lines 62-67, col. 2 and lines 1-8). Having a flag associated with said one subscriber is obvious and does not rise to the level of patentability.

Regarding claim 15, Shtivelman teaches local switches points 151 serving one subscriber/client premises 110 for communicating control messages (see Fig. 1 and col. 4, lines 21-38).

Claim 16 recites "a database comprises a service control point connected to said private operation data network". Database in T-server 142 storing call processing records associated with respective subscribers of said switched telephone network is taught in Shtivelman, see col. 5, lines 38-45 and col. 6, lines 44-54).

Claim 17 recites the use of common channel signaling, which is obvious if it not inherent in an AIN environment.

Claim 19 recite² "said SSP is configured to transmit a query message including special calling party number to said SCP". Communication messages between SSP and an SCP are common feature. Therefore having the SSP sending a message to the SCP with a special number would have been obvious.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bansal et al (US PAT # 6,208, 726) teaches allowing a user to breakthrough an on line session by entering a breakthrough number (see abstract).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner

Rasha S. Al-Aubaidi

12/12/2004


AHMAD F. MATAR
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